

# The State of New Hampshire

## SUPERIOR COURT

MERRIMACK COUNTY

(X) COURT  
( ) JURY

### WRIT OF SUMMONS

MARK PLANTIER  
20 BUTTERFIELD LANE  
BEDFORD NH 03110

BRIAN J. GOODMAN  
v. 42 HALL STREET  
CONCORD NH 03301

2013 APR 25 11:13 AM

The Sheriff or Deputy of any County is ordered to summon each defendant to file a written appearance with the Superior Court at the address listed below by the return day of this writ which is the first Tuesday of APRIL, 2013 YEAR MONTH.

### IN A PLEA OF ASSUMSIT

The PLAINTIFF(S) state(s):

Defendant entered into an agreement for the repayment of debt owed to plaintiff, based on recorded mortgage note signed by defendant on March 18, 2006, in which defendant promises to repay Plaintiff \$50,000, and has a present balance on the account of \$79,835.07 as of the date of this writ. Plaintiff's mortgage was a 2nd mortgage that is wholly unsecured as the First Mortgagee on the same realty (FMV of \$150,000) is foreclosing on said realty on a balance of \$252K. Plaintiff's mortgage has a 100% deficiency balance. Plaintiff seeks the current balance plus court and collection costs, and seeks to attach other assets of defendant. Despite repeated demands and ability to pay, defendant has failed to satisfy the obligations due and owing. Defendant's failure to satisfy the outstanding balances due and owing to plaintiff constitutes an intentional breach of agreement. Defendant has received cash, goods and services through the utilization of the loan proceeds without paying for same, and as such, has been unjustly enriched. Every contract carries with it a covenant of good faith and fair dealing. By virtue of defendant's breach of agreement, defendant has breached the covenant of good faith and fair dealing.

and the Plaintiff(s) claim(s) damages within the jurisdictional limits of this Court.

  
INDORSER (sign and print name)

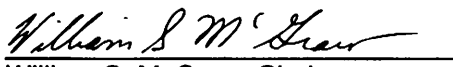
2/25/13  
DATE OF WRIT

Mark Plantier, Indorser & Plaintiff

#### NOTICE TO THE DEFENDANT

The Plaintiff listed above has begun legal action against you. You do not have to physically appear in Court on the return day listed above since there will be no hearing on that day. However, if you intend to contest this matter, you or your attorney must file a written appearance form with the Clerk's Office by that date. (Appearance forms may be obtained from the Clerk's Office.) You will then receive notice from the Court of all proceedings concerning this case. If you fail to file an appearance by the return day, judgment will be entered against you for a sum of money which you will then be obligated to pay.

Witness, ROBERT J. LYNN, Chief Justice, Superior Court.

  
William S. McGraw, Clerk  
NH Superior Court Merrimack County  
PO Box 2880  
Concord, NH 03302-2880  
(603) 225-5501

  
SIGNATURE OF PLAINTIFF/ATTORNEY

Robert L. O'Brien, NH#15358  
PRINTED/TYPED NAME

P.O. Box 357,  
ADDRESS

New Boston NH 03070-0357 / 603-459-9965  
PHONE